AGREED ORDER 2009-61

IN THE MATTER § TEXAS BOARD
OF THE LICENSE OF § OF VETERINARY
CARLOS F. ZAMORA, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 11th day of June, 2009, came on to be considered by the Texas State Board of Veterinary Medical Examiners the matter of the license of CARLOS F. ZAMORA, D.V.M. ("Respondent"). Pursuant to §801.408 of the Veterinary Licensing Act and Rule of Professional Conduct 575.29, an informal settlement conference was held on May 4, 2009. Respondent appeared at the conference and was represented by attorney, Keith O’Connell. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him. Upon the recommendation of the staff committee, and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notices which may be required by law and by the Board’s rules. All jurisdictional requirements have been satisfied.

2. On March 21, 2008, David Allen of Dickinson, Texas, presented “Buddy,” a four-year old male Labrador Retriever dog to Respondent at Animal Care Clinic of Dickinson, Texas, for a mandatory rabies quarantine following a report that “Buddy” bit a child. “Buddy” was examined by Respondent and found to be in good health, though Respondent noted that “Buddy’s” temperature was 103 degrees. Respondent administered an intranasal Bordetella vaccination and Capstar oral flea medication.

3. “Buddy” remained in quarantine without incident until March 26, 2009. At approximately 9:30 A.M., on March 26, 2009, Respondent’s technicians observed “Buddy” to be lethargic, dehydrated, and suffering from diarrhea. Respondent did note that “Buddy” began experiencing diarrhea during the evening of March 25, 2009. Respondent contacted Mr. Allen to inform him that “Buddy” was ill and requested a deposit to begin treatment and testing. Respondent also contacted Galveston County health officials for authorization to treat “Buddy,” a potentially zoonotic animal. Respondent performed a blood profile on “Buddy” and received the results at approximately 10:00
A.M. However, “Buddy” died at approximately 11:00 A.M., and no further diagnostic testing was performed. Mr. Allen arrived at Respondent’s clinic at approximately 12:00 p.m. and was informed that “Buddy” was dead. Respondent could not determine the cause of “Buddy’s” death, other than he may have succumbed to a subclinical infection. A necropsy was not performed on “Buddy” to determine actual cause of death.

4. There are no medical records reflecting any treatment or observation of “Buddy” on March 26, 2009, other than a weight and temperature recording, CBC blood test and the entry, “Pet found deceased @ 11 A.M.” Respondent’s failure to document details necessary to substantiate the examination, diagnosis and treatment provided “Buddy” on March 26, 2009 does not meet the Board’s requirements for record keeping.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules.

2. Based on Findings of Fact 1-4, Respondent has violated Rule of Professional Conduct 573.52, PATIENT RECORD KEEPING, which requires a veterinarian to document details necessary to substantiate the examination, diagnosis and treatment provided a patient.

3. Based on Conclusions of Law 1 and 2, Respondent has violated §801.402(6) of the Veterinary Licensing Act, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board’s rules of professional conduct.

4. Based on Conclusions of Law 1-3, Respondent may be disciplined in the manner set out in, and in the manner set out in §801.401 DISCIPLINARY POWERS OF BOARD.

If an applicant or license holder is subject to denial of a license or to disciplinary action under §801.402, the Board may:

(1) refuse to examine an applicant or to issue or renew a license;
(2) revoke or suspend a license;
(3) place on probation a license holder or person whose license has been suspended;
(4) reprimand a license holder; or
(5) impose an administrative penalty.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

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The Board ORDERS that Respondent be INFORMALLY REPRIMANDED.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.

2. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent’s choice at his expense in any hearing before the Board. The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT’S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

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I, CARLOS F. ZAMORA, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Carlos F. Zamora, D.V.M.  

Date  

5/26/09

STATE OF TEXAS  
COUNTY OF Galveston

BEFORE ME, on this day, personally appeared CARLOS F. ZAMORA, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 14th day of May, 2009

Notary Public

DIANNE J. OWEN  
NOTARY PUBLIC  
STATE OF TEXAS  
MY COMM. EXP. 05/06/12

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 11 day of June, 2009.

Bud E. Allredge, Jr., D.V.M.  
President of the Board

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